THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.21165 OF 2005

Dt.28.09.2005

Between:

K.Anjaiah and others

.. Petitioners

and

The APSRTC

. Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.21165 OF 2005

ORDER:

The petitioners are working as drivers in Midhani Depot of A.P.S.R.T.C. Through proceedings dated 20.12.2004, the respondent directed recovery of various amounts from them in instalments ranging from 12 to 30. The petitioners challenge the same on several grounds. It is urged that they were not given any opportunity to explain before the recovery was ordered.

Heard the learned counsel for the petitioners and the learned standing counsel for

the respondent.

A perusal of the impugned order discloses that recoveries were directed to be made against the petitioners on the basis of the findings in the audit of the depot accounts. It was alleged that the petitioners have availed the leave encashment in excess of their entitlement. Particulars were also furnished in the order.

It hardly needs an emphasis that the recovery of amount is almost punitive in nature. Before any amount is recovered from the petitioners, the respondent was under obligation to hear them duly issuing a show cause notice. The existence of audit report may be a basis for the respondent to initiate action. At the same time, the petitioners ought to be heard before any final order is passed.

On this short ground, the writ petition is allowed by setting aside the impugned order dated 20.12.2004. It is left open to the respondent to take further steps, duly issuing show-cause notices to the petitioners.

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28.09.2005

Note: Issue C.C. in three days

(B/o)

kdl